



1 judge's report and recommendation where no objections have been filed. See United States v. Reyna-  
2 Tapia, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court  
3 when reviewing a report and recommendation to which no objections were made); see also Schmidt v.  
4 Johnstone, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in Reyna-  
5 Tapia as adopting the view that district courts are not required to review "any issue that is not the subject  
6 of an objection."). Thus, if there is no objection to a magistrate judge's recommendation, then this Court  
7 may accept the recommendation without review. See e.g., Johnstone, 263 F.Supp. 2d at 1226 (accepting,  
8 without review, a magistrate judge's recommendation to which no objection was filed).

9 In this case, there have been no objections filed to the Magistrate Judge's Report and  
10 Recommendation. Although no objection was filed, this Court has reviewed the Report and  
11 Recommendation (#55) and accepts it. Accordingly,

12 IT IS HEREBY ORDERED that Defendants' Motion to Dismiss (#48) is GRANTED IN PART  
13 AND DENIED IN PART, as follows:

14 (1) Defendants' Motion to Dismiss Count VI, on the ground that Plaintiff failed to exhaust  
15 administrative remedies is DENIED;

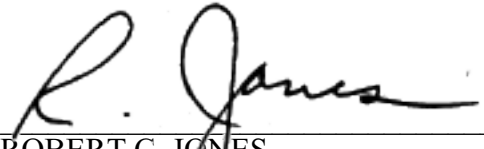
16 (2) Defendants' Motion to Dismiss Defendants Bannister, Hartman, Morrow, Baca, Neven,  
17 Cox, and Skolnik in Count VII is GRANTED, WITH LEAVE TO AMEND;

18 (3) Defendants' Motion to Dismiss Defendant Graham is GRANTED, WITHOUT LEAVE  
19 TO AMEND.

20 (4) In sum, Count VI may proceed as alleged. Count VII will proceed against Defendant  
21 Clark, and Plaintiff has leave to amend Count VII with respect to Defendants Bannister, Hartman,  
22 Morrow, Baca, Neven, Cox, and Skolnik.

23 IT IS SO ORDERED.

24 DATED: This 14<sup>TH</sup> day of April, 2012.

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ROBERT C. JONES  
Chief District Court Judge